

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
BOARD OF EXAMINERS OF HOISTING ENGINEERS  
1511 PONTIAC AVENUE  
Building 70 – 2nd Floor Conference Room  
Cranston, RI 02920**

**TUESDAY, APRIL 8, 2008**

**Board Members in Attendance: Ellery Wood, Jr.  
James Woloohojian, Acting Chairperson  
Jim White**

**Thos not in Attendance: David Burnham, Chairperson**

**Also in attendance: David Rodrigues, Investigator, Valentino  
Lombardi, Esquire, and  
Benjamin Copple, Esquire, Ron D'Ambruoso**

**James Woloohojian, Chairperson, called the meeting to order at 10:12  
a.m.**

**There was a Quorum today.**

**Ronald D'Ambruoso introduced Mr. Jim White, new member, to our Board.**

**There were five (5) hearings scheduled for today.**

**James Woloohojian, Acting Chairperson, stated that there was no Quorum at our March meeting, therefore, February 12, 2008 minutes and March 11, 2008 minutes will be reviewed as part of Agenda at this Board. Ron D'Ambruoso made a motion to accept the February 12, 2008 minutes and the March 11, 2008 minutes. Ellery Wood seconded the motion. All Board members were in favor. The ayes have it.**

**First hearing to be heard today is:**

**1. Pro Con Incorporated - #3388**

**David M. Rodrigues, RIDLT Chief Hoisting Engineer Investigator, Richard J. Lambert of Pro Con Incorporated, were sworn in by the Board Stenographer.**

**James Woloohojian read the violation: Violation No. 3388, dated February 6, 2008. Location of the violation: The Nylo Hotel, 334 Knight Street, Warwick, RI. Violation: On Monday, February 4, 2008, Mr. David M. Rodrigues, Chief Hoisting Engineering Investigator, witnessed Randy M. Roby, an employee of All-Set Crane Service, Inc., P. O. Box 440, Wrentham, MA 02093, operating a hydraulic boom**

**truck without a valid RI Hoisting Engineer's License at the above job location. Pro Con Incorporated, as the project developer, allowed said work to be performed. According to RIGL 28-26-12 "Investigation and Prosecution of Violations," this is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."**

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**NOTE: A Hoisting Engineer Violation (#3172) was issued to Pro Con, Inc. on Thursday, May 3, 2007.**

**David Rodrigues stated to the Board that he did not recognize the company on site, so David questioned the operator of the hydraulic boom truck, the operator, Mr. Randy Roby, and David found that Mr. Roby did not have a valid RI Hoisting Engineer's license. David also questioned the foreman, Gerald Morganelli, and Mr. Morganelli informed David that Mr. Roby did not have a valid RI Hoisting Engineering license. David then informed the site superintendent for Pro Con, Sam Ramaker, that there was an unlicensed crane operator on the site in the back of the building.**

**David Rodrigues reported to the Board that Pro-Con was issued a violation on Thursday, May 3, 2007, and the violation was paid.**

**There were job site papers submitted to the Board from Rich Lambert of Pro Con, Inc., as evidence and reviewed by the Board of the project site, and Pro Con/Rich Lambert claimed that All Set Crane, the sub-contractor, came in with their people, who Mr. Lambert claimed did not sign in, nor did they have licensed people performing this job.**

**All Set Crane was fined, as well as Randy Roby, and they did pay the fines as of February 20, 2008, and stated that Randy Roby did take the Hoisting test, but failed, and is still working without a license.**

**Based on the facts and testimony and evidence brought before the board, Ellery Wood made a motion that a finding of fact did occur regarding violation No. 3388, dated February 6, 2008. Jim White seconded the motion. All Board members were in favor. Ayes have it.**

**Jim White made a motion that per RIGL 28-26-11 that the fine of \$1,150 be upheld. Ellery Wood seconded the motion. Acting Chairperson James Woloohojian asked the Board members that based on the testimony given today, are there any amendments to the fine, or reducing the fine. There were none. All Board members were in favor to uphold the fine. Ayes have it.**

**Mr. Woloohojian advised Mr. Lambert, Pro Con, Inc., that the fine will be recommended to the Director, and the Director has the final**

**decision as to the fine.**

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**2. National Grid - #3346 – (Decision on the fine of \$600) – James Woloohojian reported to the Board that the testimony and facts pertaining to this violation were heard at our March meeting. There was no quorum to make a decision on the fine at that time.**

**James Woloohojian read the violation dated January 4, 2008, Violation No. 3346. Location of the Violation: Power Line Footings, Waites Corner Road, South Kingstown, RI. Violation: On Thursday, December 20, 2007, Mr. David M. Rodrigues, Chief Hoisting Engineering Investigator, witnessed Ramsey L. Tysdal, an employee of Michels Corporation, 817 W. Main Street, Brownsville, WI 53006, operating a hydraulic excavator without a valid RI Hoisting Engineer's**

**license at the above job location. National Grid sub-contracted with Michels Corporation to perform said work. According to RIGL 28-26-12 “Investigation and Prosecution of Violations,” this is one (1) violation of RIGL 28-26-5 “License Required for Operation of Hoisting Machinery.**

**Ellery Wood made a motion that violation No. 3346, dated January 4, 2008, a finding of fact did occur. Jim White seconded the motion. All Board members were in favor. Ayes have it. Ron D’Ambruoso recused himself from this violation.**

**Ellery Wood made a motion that the fine of \$600 pertaining to RIGL 28-26-11 be suspended for one year, pending any further violations against National Grid. Jim White seconded the motion. All Board members were in favor. Ayes have it. Ron D’Ambruoso recused himself from this violation.**

**Recommendation will be made to the Director for the final decision.**

**3. Michels Corporation - #3345 (Decision on the fine of \$600) – Testimony and facts were given at the March Board meeting.**

**James Woloohojian read the violation. Violation No. 3345, dated January 4, 2008. Location of Violation: Power Line Footings, Waites Corner Road, South Kingstown, RI. Violation: On Thursday, December 20, 2007, Mr. David M. Rodrigues, Chief Hoisting**

**Engineering Investigator, witnessed Ramsey L. Tysdal, an employee of Michels Corporation, 817 W. Main Street, Brownsville, WI 53006, operating a hydraulic excavator without a valid RI Hoisting Engineer's License at the above job location. According to RIGL 28-26-12 "Investigation and Prosecution of Violation," this is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."**

**Ellery Wood made a motion that Violation No. 3345 did occur; finding of fact did occur. Jim White seconded the motion. All Board members were in favor. Ayes have it.**

**Ellery Wood made a motion that the fine of \$600 pertaining to RIGL 28-26-11 be upheld. Jim White seconded the motion. All Board members were in favor. The ayes have it.**

**A recommendation will be made to the Director regarding the fine of \$600.**

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**4. Albert T. Fritts # 3353 (Was not present at our last Board meeting) and is not here today.**

**David Rodrigues reported to the Board that Albert T. Fritts and Kelley Construction were sent out certified and regular letters to attend the February 12, 2008 and the March 11, 2008 Board meeting. There was no quorum last month, but a certified/regular letter still went out dated February 26, 2008 for last month's meeting and the other letter dated March 25th to appear at today's Board meeting for a hearing. There was no response from Albert T. Fritts, or Kelley Construction.**

**James Woloochian read the violation: Violation dated January 11, 2008, Violation No. 3353. Location of Violation: Texas Roadhouse (new), 1200 Quaker Lane, Warwick, RI. Violation: On Monday, January 7, 2008, Mr. Charles Demello, Safety Compliance Officer from the U.S. Department of Labor/OSHA, witnessed Albert T. Fritts, superintendent for Kelley Construction, Inc., 3560 Bashford Avenue, Louisville, KY 40218, operating a construction forklift without a valid RI Hoisting Engineer's license at the above job location. Mr. David Rodrigues, RIDLT Chief Hoisting Engineer Investigator, visited the above job location after receiving a complaint from Mr. Charles Demello of the U.S. Department of Labor/OSHA, and verified that Mr. Albert T. Fritts did operate a construction forklift without a Rhode Island Hoisting Engineer's license. This is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."**

**Mr. Rodrigues reported to the Board that while visiting the site, he noticed that Mr. Fritts was unloading A/C equipment using binder**



chains. Also, there was no RI Hoisting license to operate this equipment and there was no safety training on that forklift, which is a requirement to perform this work.

David Rodrigues submitted pictures to the Board Stenographer from Charles Demello that were taken on the site of what Mr. Demello saw. Also a statement from Charles Demello that was e-mailed to David Rodrigues was also submitted as evidence to the Board Stenographer. Mr. Rodrigues also stated that this is their first offense.

Ron D'Ambruoso made a motion that Violation No. 3353 did occur and that there was an unlicensed person running the forklift. Ellery Wood seconded the motion. All Board members were in favor. Ayes have it.

Jim White made a motion that the fine of \$300 be upheld. Ellery Wood seconded the motion. All Board members were in favor. Ayes have it.

James Woloohojian, Acting Chairperson stated that a recommendation will be made to the Director in regards to the fine of \$300.

**5. Kelley Construction, Inc. - #3352 (Kelley Construction, Inc. was not present at our last meeting, and they are not here today.)**

**James Woloochian read the Violation dated January 11, 2008, Violation No. 3352. Location of Violation: Texas Roadhouse (new), 1200 Quaker Lane, Warwick, RI. Violation: On Monday, January 7, 2008, Mr. Charles Demello, Safety Compliance Officer from the U.S. Department of Labor/OSHA, witnessed Albert T. Fritts, superintendent for Kelley Construction, Inc., 3560 Bashford Avenue, Louisville, KY 40218, operating a construction forklift without a valid RI Hoisting Engineer's License at the above job location. Mr. David Rodrigues, RIDLT Chief Hoisting Engineering Investigator, visited the above job location after receiving a complaint from Mr. Charles Demello of the U.S. Department of Labor/OSHA, and verified that Mr. Albert T. Fritts did operate a construction forklift without a Rhode Island Hoisting Engineer's license. According to RIGL 28-26-12 "Investigation and Prosecution of Violation," this is one (1) violation of RIGL 28-26-5**

## **“License Required for Operation of Hoisting Machinery.”**

**David Rodrigues reported that his testimony is the same as it was for the previous violation, Albert Fritts, Violation No. 3353.**

**Based on the previous testimony and facts that were brought before the Board, Ron D’Ambruoso made a motion that a finding of fact did occur regarding Violation No. 3352. Ellery Wood seconded the motion. All Board members were in favor. Ayes have it.**

**Ellery Wood made a motion that in regards to RIGL 28-26-11 that the fine of \$600 be upheld regarding Violation No. 3352. Jim White seconded the motion. All Board members were in favor. Ayes have it.**

## **New Business:**

**Ron D’Ambruoso mentioned to the Board that he would like to have the annual voting, for Vice Chairperson and Secretary at this meeting, but James Woloohojian pointed out that since the current chairperson is not present, we should wait and have the voting at our next meeting, so people can represent themselves. Based on the consensus of the Board, the annual voting of the Vice Chairperson and Secretary is postponed to our next Board meeting, and that the Training License Permit is postponed to our next Board meeting. Ron D’Ambruoso made a motion to accept that these items be**

**postponed to our next meeting. Ellery Wood seconded the motion. All Board members were in favor. Ayes have it.**

**There was no other business before the Board.**

**Ellery Wood made a motion to adjourn the meeting at 11:00 am. There was a general consent of the Board.**

**Minutes respectively submitted by Elaine J. Heiss, April 8, 2008.**

**The next meeting of the Hoisting Board is May 13, 2008 at 10:00 am in Building #70, 2nd floor conference room, 1511 Pontiac Avenue, Cranston, RI 02920.**